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| 09/739,475 | 12/18/2000 | Larry J. Eshelman | US000349*** | 4032 |

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EXAMINER

MAHMOUDI, HASSAN

| ART UNIT | PAPER NUMBER |
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2175

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,475

Applicant(s)

ESHELMAN ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 6-7, 9-11, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al (U.S. patent No. 6,006,227.)

As to claim 1, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto (see column 2, lines 37-45, where “classifying” is read on “documents falling into a given category”, and see column 3, lines 13-29, where “classifying” is read on “organizing”);

the event being unrelated to a calendar/diary application (see column 4, lines 16-21, and see column 14, lines 22-33);

prompting a user, by a calendar/diary application (see column 6, lines 59-60), to enter data relating to the event for incorporation in an historical record of events pertaining to a user (see column 6, lines 61-63);

accepting user input responsive to the step of prompting (see column 2, line 62 through column 3, line 12);

adding a record to a database (see column 4, lines 35-37, where “adding a record” is read on “adding the document to the mainstream”, also see column 12, lines 51-53) defining the historical record including at least one of data resulting from the step of classifying and data resulting from the step of accepting (see column 4, lines 23-30, and see column 12, lines 57-60.)

As to claim 2, Freeman et al teaches wherein the at least one of data resulting from the step of classifying (see column 2, lines 37-45, where “classifying” is read on “documents falling into a given category”, and see column 3, lines 13-29, where “classifying” is read on “organizing”) and data resulting from the step of accepting includes data resulting from the step of classifying and data resulting from the step of accepting (see column 2, line 62 through column 3, line 12.)

As to claim 3, Freeman et al teaches wherein the event includes writing an email letter (see column 11, lines 57-65.)

As to claim 4, Freeman et al teaches wherein the event includes writing a letter on a text application other than the calendar/diary application (see column 4, lines 2-5, and see column 11, lines 44-48.)

As to claim 6, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

accepting data towards the making of a new record in a calendar application (see column 2, line 62 through column 3, line 12);

prompting a user (see column 6, lines 59-60) for greater detail in an event defined by the record (see column 11, lines 13-15);

automatically (see column 4, lines 6-8, where “automatically” is read on “time-ordered sequence”) generating a diary record responsive to a result of the steps of accepting and prompting (see column 4, lines 35-37, where “generating a diary record” is read on “adding the document to the mainstream”, also see column 12, lines 51-53.)

As to claim 7, Freeman et al teaches wherein the step of automatically generating includes:

correlating selected user input from the step of accepting (see column 3, lines 24-30, where “correlating user input” is read on “receiving from a user one or more values indicative of one or more selected segments, and displaying the segments”) with data in an external data store (see column 2, lines 49-61, and see column 6, lines 45-52); and

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generating a detailed description of a portion of the data accepted in the step of accepting responsively to the step of correlating whereby additional data from the external data is used to clarify the data accepted in the step of accepting (see column 11, lines 13-15, and see column 12, lines 21-30.)

As to claims 9 and 13, Freeman et al teaches wherein the external data store (see column 2, lines 49-56, and see column 6, lines 45-52) is at least one of a contact data store (see column 12, lines 3-11), a word processing file store (see column 11, lines 45-48, where “a word processing file store” is read on “message editor”), an email data store (see column 11, lines 44-45), and a calendar application (see column 11, line 65 through column 12, line 2.)

As to claim 10, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

detecting one of a passage of time since an entry of a record into a diary database (see column 3, lines 2-4) and a time of day (see column 4, lines 42-43, where “time of day” is read on “present time point”, and see column 6, lines 2-7);

prompting a user (see column 6, lines 59-60) to enter a diary entry responsively to the step of detecting (see column 6, lines 59-64)

accepting data to form a new record in a diary (see column 2, line 62 through column 3, line 12);

adding a new record responsive to a result of the step of accepting (see column 4, lines 35-37, where “adding a new record” is read on “adding the document to the mainstream”.)

As to claim 11, Freeman et al teaches wherein the step of accepting includes:

correlating selected user input responsive to the step of prompting (see column 3, lines 24-30, where “correlating user input” is read on “receiving from a user one or more values indicative of one or more selected segments, and displaying the segments”) with data in an external data store (see column 2, lines 49-61, and see column 6, lines 45-52); and

automatically generating (see column 4, lines 6-8, where “automatically” is read on “time-ordered sequence”) a detailed description of a portion of the data accepted in the step of accepting responsively to the step of correlating whereby additional data from the external data is used to clarify the data accepted in the step of accepting (see column 11, lines 13-15, and see column 12, lines 21-30.)

As to claim 14, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

extracting current events (see column 10, lines 54-62) or historical data (see column 12, lines 48-50) from an external data resource (see column 2, line 62 through column 3, line 4);

accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database (see column 2, line 62 through column 3, line 12);

adding data resulting from the step of extracting to data resulting from the step of accepting to the diary database (see column 6, lines 56-58.)

As to claim 15, Freeman et al teaches wherein the step of adding includes accepting user input data indicative of instructions to modify the current events or historical data (see column 5, lines 20-33, where “modifying current events or historical data” is read on “updating the document as additional documents are added to the mainstream”).

As to claim 16, Freeman et al teaches wherein the step of adding includes correlating a date corresponding to the current events or historical data with a date diary data entered in the diary database (see column 12, lines 3-6.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 8, 12, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al (U.S. patent No. 6,006,227) in view of Herz (U.S. patent No. 6,460,036.)

As to claim 5, Freeman teaches an event (see column 4, lines 18-21.)

Freeman et al does not teach wherein the event includes a change in a mood of the user.

Herz teaches a system for customized electronic identifier (see Abstract), in which he teaches wherein the event includes a change in a mood of the user (see column 19, lines 52-58, and see column 28, lines 7-20.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include wherein the event includes a change in a mood of the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al by the teaching of Herz, because having the event including a change in a mood of the user would enable the system to take into consideration the user's state-of mind (mood), and be able to target events, articles, items to for presenting to the user according to the user's present mood.

As to claims 8 and 12, Freeman et al teaches automatically (see column 4, lines 6-8, where "automatically" is read on "time-ordered sequence") generating a diary record (see column 4, lines 35-37, where "generating a diary record" is read on "adding the document to the mainstream".)

Freeman et al does not teach requesting and accepting a confirmation by the user of the description.

Herz teaches a system for customized electronic identifier (see Abstract), in which he teaches requesting and accepting a confirmation by the user of the description (see column 64, lines 1-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include requesting and accepting a confirmation by the user of the description.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al by the teaching of Herz, because requesting and accepting a confirmation by the user of the description, would enable the system to increase the accuracy and validity of the data gathered to be stored in the user's diary record.

As to claim 17, Freeman et al teaches a method of generating a diary record (see column 3, line 62 through column 4, line 8), comprising the steps of:

accepting user input data descriptive of personal events to be recorded in a diary database (see column 2, line 62 through column 3, line 12);

Freeman et al does not teach:

sensing and classifying states, events, or moods of a user or the user's environment;

generating an index responsive to the step of sensing;

adding the index and the user input to the diary database.

Herz teaches a system for customized electronic identifier (see Abstract), in which he teaches: sensing and classifying states, events, or moods of a user or the user's environment (see column 19, lines 52-58, and see column 28, lines 7-20); generating an index responsive to the step of sensing (see column 47, lines 42-47); and adding the index and the user input to the diary database (see column 37, lines 46-52.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al to include: sensing and classifying states, events, or moods of a user or the user's environment; generating an index responsive to the step of sensing; and adding the index and the user input to the diary database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Freeman et al by the teaching of Herz, because sensing and classifying states, events, or moods of a user or the user's environment; generating an index responsive to the step of sensing; and adding the index and the user input to the diary database, would enable the system to customize entries and events based on user input, state of mind (mood) and desires.

As to claim 18, Freeman et al teaches a data medium having instructions thereon for implementing a method for generating a diary record (see Abstract, where "data medium" is read on "storing documents", and "instructions" is read on "sophisticated logic".)

For the remaining steps of this claim, applicant is directed to the remarks and discussions made in claims 1 and 17.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of art with respect to systems and software applications for electronic diaries, calendars, appointments, and personal digital assistance devices in general:

U.S. Patent No. 5,867,822 to Sankar.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

January 16, 2003

Charles Rones
CHARLES RONES
PRIMARY EXAMINER